

Check against delivery

69<sup>th</sup> session of the Committee on the Elimination of Discrimination  
against Women



Statement by  
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Distinguished members of the Committee,  
Friends and Colleagues,

It is a pleasure to be with you for the opening of the sixty-ninth session of the Committee on the Elimination of Discrimination against Women. Allow me to convey the greetings of the High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein.

We were all deeply saddened by the passing, on 9 December 2017, of Ms. Theodora Oby Nwankwo. She had been a trusted colleague and friend on the Committee since 2013 and the Committee's Vice-Chair since February 2017. Oby was a distinguished jurist, who had served on the Nigerian judiciary for 23 years. She was a women's rights activist, running a non-governmental organization that promotes women's rights and provides pro bono legal services to indigent women, and an expert on sexual and reproductive health and rights. Most of all, Oby was a courageous woman with a great heart. She never missed a battle to give a voice to the voiceless. In 2015, she received the Women Have Wings award for women of courage, which is sponsored by the Tides Foundation based in San Francisco. I know that Oby will be sorely missed on the Committee and that her remarkable contribution to the work of CEDAW will always be remembered.

I would now like to invite everybody in this room to join me in observing a moment of silence in remembrance of Oby Nwankwo.

*(Meeting participants observe a moment of silence.)*

Thank you.

Distinguished members,

Dear colleagues,

On 28 November 2017, this Committee requested the Government of Myanmar to submit an exceptional report by the end of May 2018 to provide information on cases of sexual violence, including rape, against Rohingya women and girls by State security forces. The Committee also requested Myanmar to provide details on the number of women and girls killed or who have died due to other non-natural causes since the latest outbreak of violence in August 2017. CEDAW further requested information on investigations, arrests, prosecutions, convictions and sentences or disciplinary measures imposed on perpetrators,

including members of the armed forces, found guilty of such crimes and on the number of Rohingya families displaced by the violence. In addition, information was sought on measures taken by the Government to ensure their voluntary and safe return, economic reintegration, and compensation for loss of land or property.

The following week, on 5 December, the Human Rights Council held its twenty-seventh special session on the situation of the minority Rohingya Muslim population and other minorities in the Rakhine State of Myanmar, at the request of Bangladesh and Saudi Arabia. In his opening statement, the High Commissioner condemned the acts of violence having forced an estimated 626,000 refugees – more than half the estimated number of Rohingya living in Rakhine State – to flee to neighbouring Bangladesh. He recalled that the 1982 Citizenship Law of Myanmar denies the Rohingya and other minorities equal access to citizenship, rendering a vast majority of them stateless. Birth certificates for Rohingya children had not been issued since at least the 1990s.

The High Commissioner regretted that the Government of Myanmar had largely failed to act on the recommendations made by the UN human rights mechanisms and our Office regarding the situation of Rohingya Muslims and other minorities. He asked the Council to consider making a recommendation to the General Assembly that it establish a new, impartial, and independent mechanism, complementary to the work of the Fact-Finding Mission on Myanmar, to assist individual criminal investigations of those responsible. Let me emphasize that the various rights deprivations deplored by the High Commissioner were already highlighted in CEDAW's 2016 concluding observations on Myanmar. This included restrictions on freedom of movement of the Rohingya minority and on their access to identity cards, education and healthcare, in particular the very high incidence of maternal and child mortality among Rohingya families. It underlines the important role of the treaty bodies in detecting critical gaps at the country level measured against a country's international human rights obligations.

In a resolution, regrettably adopted by vote, the Human Rights Council strongly condemned the alleged systematic and gross violations of human rights committed in Myanmar, in particular in Rakhine State notably against the Rohingya Muslim population and other minorities, including women and children. It requested the High Commissioner to provide oral updates on the human rights situation of the Rohingya for a period of three

years. The High Commissioner was requested to prepare a comprehensive written report on the situation, including the level of cooperation and access given to the fact-finding mission and other United Nations human rights mechanisms and implementation of relevant recommendations of the UN system. The report will be presented to the Council at its 40<sup>th</sup> session in March 2019 and will thereafter be submitted to the General Assembly. It would definitely benefit from your Committee's inputs and those of other human rights mechanisms.

Following the special session of the Council, on 12 December 2017, your former colleague on the Committee, Ms. Pramila Patten, now Special Representative of the Secretary-General on sexual violence in conflict, with whom I understand you continue to cooperate, briefed the Security Council on her visit to Bangladesh from 5 to 13 November 2017. She expressed concern about the forms of sexual violence reported by survivors, which included rape, gang rape by multiple soldiers, forced public nudity, and sexual slavery in military captivity. She warned that the murders even of new-born babies and the use of sexual violence served as a tool of dehumanization, collective punishment and as a push factor for forced displacement on a massive scale. She reiterated the High Commissioner's recommendation to establish an impartial, independent mechanism to support investigation in order to hold perpetrators accountable for their crimes.

After her first official visit to Myanmar from 14 to 17 December 2017, Ms. Patten recommended the adoption of a Joint Communiqué between Myanmar and the United Nations on the prevention and response to conflict-related sexual violence. She offered the full support of her Office for future cooperation and provision of technical assistance in law reform and capacity building of the national armed and security forces to foster compliance with international standards, including zero tolerance for sexual abuse.

Madame President

Distinguished members,

OHCHR shall soon adopt its Organizational Management Plan for 2018. The Plan includes "Enhancing equality and countering discrimination" as one of its pillars. It states: "Human rights have been central in the fight for equality and non-discrimination. However, the battle is not yet won and there are clear gaps in responses." To fill these gaps, the Plan

frames responses in the form of thematic results. Four of the eight thematic results under the equality and non-discrimination pillar directly relate to the CEDAW Convention, which colleagues will share with the Committee.

The Plan also links these thematic results to the Sustainable Development Goals - SDGs - that provide a common reference and baseline for OHCHR's work on equality and non-discrimination. Given the SDGs' strong focus on data, they are a timely tool for OHCHR and the human rights mechanisms to foster 'good quality' data collection, including disaggregation, and to advocate for a human rights approach to data. In this regard, I commend the concrete steps taken by CEDAW to promote women's human rights perspectives throughout the SDGs. The revision of your reporting guidelines to encourage systematic reporting by States parties on the achievement of gender-related SDG targets is very much welcomed.

While quality legislation is an essential building block of an effective anti-discrimination agenda, the Organizational Management Plan places great emphasis on national implementation, in line with recommendations of human rights mechanisms. "Increasing implementation of the international human rights mechanisms' outcomes" is therefore another pillar of the Plan. Through their recommendations, the human rights mechanisms, including treaty bodies such as CEDAW, provide the basis for engagement with States and other national actors. This provides an opportunity for OHCHR to support States in implementing the recommendations of the human rights mechanisms, in cooperation with United Nations country teams and other partners. An operational approach is now required to support the implementation of these recommendations with greater outreach and partnerships. Continued technical cooperation projects are necessary to support States in this process, as well as reinforcing the link and synergies with the SDGs. All this will help ensure the relevance of the outcomes of the human rights mechanisms in the context of the development framework of the United Nations.

The Management Plan anticipates that your recommendations will inform OHCHR's work to ensure that duty bearers and rights holders have access to the independent expertise of your Committee. An important lesson to be drawn from many country emergency situations is that the work of the human rights mechanisms – as demonstrated earlier - can provide indicators for early warning of human rights violations that may lead to violence and conflict, and thereby complement the Secretary-General's focus on prevention. In addition,

through your concluding observations, decisions on individual communications, reports of inquiries and General Recommendations, the Committee provides invaluable guidance to States and other actors in the field, despite the resource constraints that the treaty body system is facing.

Distinguished members,

As you know, human rights are facing “challenging times”... OHCHR and Treaty Bodies feel the brunt. As you were informed through the letters from the High Commissioner and the Deputy High Commissioner, the General Assembly, during its 72nd session held at the end of last year took some important financial decisions, which have serious implications for the Office as well as for all treaty bodies. Amongst these decisions, imposed on us and taken by the UN members States and, therefore, by many of the States parties to the treaty bodies, the following have direct negative implications on the resources allocated to this Treaty Body:

- to reduce the resources for travel of experts by 25 per cent;
- to reduce the resources for the travel of staff by 10 per cent; and
- de facto, to establish only two new positions in lieu of the eleven posts requested by the Secretary-General.

As I indicated in my recent email to the chairperson’s of the 10 treaty bodies, further to a thorough assessment of the available human resources of the Office made after the GA decision, it was found that some additional meeting time can only be implemented during 2018 with an additional week for the Human Rights Committee as well as for the Committee on the Rights of Persons with Disabilities. This is due to the fact that additional meeting time is inextricably linked to the additional reporting reviews and additional individual complaints, in order to reduce the current backlog, and not to any other activities. Your own meeting time, at present, is not affected by the General Assembly decision.

We are aware of the insufficient resources provided to the important work on inquiries into allegations of grave or systematic human rights violations. The Office is looking at ways and means to address this situation through the appropriate budgetary process, which - as you know – requires Member State approval.

I understand that this situation causes a certain degree of frustration – which we as an Office fully share. While it is difficult to comprehend the logic of the General Assembly’s decision, it does not leave the Office with any flexibility when it comes to its implementation. We will address this situation in the forthcoming second report that the Secretary-General will present to the General Assembly under resolution 68/268. Needless to say that we remain committed to provide all treaty bodies with the highest quality of support, and if the situation were to change in the future – which we sincerely hope and shall work towards - we will review and re-evaluate this situation.

Such decision, which impact on the work of the treaty bodies we know, is not welcome by you given your dedication and commitment to your mandate. It also places strain on the colleagues from the Office of the High Commissioner for Human Rights who work with you. I know your Secretary shall introduce the staff to you later as has been the customary practice. I would like to acknowledge the hard work of our colleagues and thank them for their commitment and professionalism. I know you value our staff and their contribution, and we all work in support of each other with dignity and respect. This is why across the United Nations there is a zero-tolerance policy on abuse and harassment of any kind.

The Committee’s tasks are as usual heavy. I wish to highlight one in particular, which may include the adoption of a new general recommendation on the gender-related dimensions of disaster risk reduction in the context of climate change. This is a welcome initiative not least as the Office has identified climate change as one - of what we term - frontier issues.

In all its endeavors, I wish the Committee a most successful and productive 69<sup>th</sup> session. We look forward to working with you these coming weeks and throughout the year.

Thank you.

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